

JAN 04 2005

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:  PARRUCK  Serial No.: 09/753,797  Filed: January 2, 2001  Title: Asynchronous Transfer Mode Traffic Shapers	Group Art Unit: 2663 Examiner: HYUN, SOON D. Docket: RZMI-P605  CERTIFICATE OF FACSIMILE TRANSMISSION I hereby certify that this correspondence is being faxed to the Commissioner for Patents at 703-872-9306 on January 5, 2005. <u>6 PAGES TOTAL</u>  Signed: <u>David C. Ashby</u> David C. Ashby
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Fee only

AMENDMENT A

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

In response to the Office Action mailed September 7, 2004, Applicant petitions for consideration of the following Amendment and Remarks. Applicant thanks the Examiner for the opportunity to discuss the pending claims on December 7, 2004.

Applicant petitions for a ONE MONTH extension of time to respond to the Office Action and requests that the fee be withdrawn from Deposit Account No. 502284 order RZMI-P605.

Applicant requests that all deficits and credits be referenced to Deposit Account No. 502284 order RZMI-P605.

The amendments set forth herein are provided solely to clarify the invention as filed and set forth in the pending claims in order to comply with applicable statutes and regulations. The amendments are not intended to limit the invention or preclude the application of equivalents which Applicant may be entitled to under law.

Please amend the above-identified application as follows:

Claims begin on page 2 of this paper.

Remarks/Arguments begin on page 6 of this paper.

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**REMARKS**

In the Office Action mailed September 7, 2004 claims 1-3, 20 and 22-31 were rejected under 35 USC §102 in view of Ganmukhi (USP 5850399).

The Examiner noted in the Office Action page 3, that the Preliminary Amendment Remarks "argue that in 'the claimed invention the third level sorting occurs without use of direct input from the first level sorting.'" And that "it is noted that the features upon which applicant relies (i.e., the first level sorting and third level sorting) are not recited in the rejected claims."

In this Amendment, Applicant affirmatively recites that the "sorting is performed solely on inputs from the prior level" (see claims 22, 27 and 30).

Ganmukhi describes a system that uses control signals from prior levels to help sort later levels (see Fig. 1, reference number 22). Accordingly, Applicant submits that Ganmukhi does not teach or suggest the presently claimed invention.

Consequently, Applicant requests that the Examiner reconsider and withdraw the rejections.

Applicant thanks the Examiner for the opportunity to discuss the pending claims on December 7, 2004. Applicant submits that the amendments place the claims in condition for allowance since they are neither taught nor suggested by the references.

If any matters can be resolved by telephone, Applicant requests that the Patent and Trademark Office call the Applicant at the telephone number listed below.

Respectfully submitted,

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